

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**ORDER**

UPON CONSIDERATION of Defendants' Omnibus Motion to Seal (ECF No. 331), pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Civil Rule 5, which seeks an order allowing Cox to maintain under seal a portion of Defendants' Memorandum of Law in Support of their Motion for Summary Judgment (ECF No. 330) ("Summary Judgment Motion"); portions of the Declaration of Thomas Kearney in Support of Defendants' Motion for Summary Judgment (ECF No. 330-1) ("Summary Judgment Declaration"); exhibits to the Summary Judgment Declaration; portions of Cox's Motion to Exclude the Testimony of Expert William H. Lehr, Ph.D. (ECF No. 308) ("Lehr Motion"); exhibits to the Declaration of Thomas M. Buchanan in Support of the Lehr Motion (ECF No. 308-1) ("Lehr Motion Declaration Exhibits"), portions of Cox's Motion to Exclude the Testimony of Expert George P. McCabe, Ph.D. (ECF No. 302) ("McCabe Motion"), exhibits to the Declaration of Thomas M. Buchanan in Support of the McCabe Motion (ECF No. 302-1) ("McCabe Motion Declaration Exhibits"), portions of Cox's Motion to Exclude the Testimony of Expert Terrence P. McGarty (ECF No. 305) ("McGarty Motion"), exhibits to the Declaration of Thomas M. Buchanan in Support of the McGarty Motion (ECF No. 305-1) ("McGarty Motion Declaration Exhibits"), portions of Cox's Motion to Exclude

the Testimony of Expert Barbara Frederiksen-Cross (ECF No. 311) (“Frederiksen-Cross Motion”), portions of the Declaration of Cesie C. Alvarez in Support of the Frederiksen-Cross Motion (ECF No. 311-1) (“Frederiksen-Cross Motion Declaration”), and exhibits to the Frederiksen-Cross Motion Declaration (“Frederiksen-Cross Declaration Exhibits”), and finding that proper notices have been given, that sealing is warranted, and no alternative will suffice, it is hereby

ORDERED that the motion is GRANTED, in accordance with the chart below:

<b>Document</b>	<b>Designated by</b>	<b>Location</b>	<b>Motion Granted</b>
The deposition transcript of Alasdair McMullan	Plaintiffs	Cox’s Summary Judgment Motion, Exhibit 6	Yes / No
The deposition transcript of Steven Poltorak	Plaintiffs	Cox’s Summary Judgment Motion, Exhibit 8	Yes / No
The deposition transcript of William H. Lehr, Ph.D.	Plaintiffs	Lehr Motion Declaration, Exhibit D	Yes / No
The Expert Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Summary Judgment Motion, Exhibit 15; Lehr Motion Declaration, Exhibit A	Yes / No
The Expert Rebuttal Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Lehr Motion Declaration, Exhibit B	Yes / No
The Expert Reply Report of Plaintiffs’ Expert William Lehr	Plaintiffs	Lehr Motion Declaration, Exhibit C	Yes / No
The deposition transcript of Plaintiffs’ Expert Barbara Frederiksen-Cross	Plaintiffs	Summary Judgment Motion, Exhibit 2; Frederiksen-Cross Motion Declaration, Exhibit F	Yes / No
The Expert Report of Barbara Frederiksen-Cross	Plaintiffs	Summary Judgment Motion, Exhibit 13; McCabe Motion Declaration, Exhibit H; Frederiksen-Cross Motion Declaration, Exhibit D	Yes / No
The Supplemental and Reply Report of Plaintiffs’	Plaintiffs	Summary Judgment Motion, Exhibit 14; McCabe Motion	Yes / No

Expert Barbara Frederiksen-Cross		Declaration, Exhibit K; Frederiksen-Cross Motion Declaration, Exhibit E	
The deposition transcript of expert George P. McCabe	Plaintiffs	Summary Judgment Motion, Exhibit 5; McCabe Motion Declaration, Exhibit D	Yes / No
The Expert Report of George P. McCabe	Plaintiffs	Summary Judgment Motion, Exhibit 16; McCabe Motion Declaration, Exhibit B; McGarty Motion Declaration, Exhibit H	Yes / No
The Expert Supplemental and Reply Report of George P. McCabe, Ph.D	Plaintiffs	McCabe Motion Declaration, Exhibit C	Yes / No
The Deposition Transcript of Terrence P. McGarty, Ph.D.	Plaintiffs	McGarty Motion Declaration, Exhibit C	Yes / No
The Expert Report of Plaintiffs' Expert Terrence P. McGarty	Plaintiffs	Summary Judgment Motion, Exhibit 17; McGarty Motion Declaration, Exhibit A	Yes / No
The Expert Supplemental and Reply Report of Plaintiffs' Expert Terrence P. McGarty	Plaintiffs	McGarty Motion Declaration, Exhibit B	Yes / No
Plaintiffs_00286430	Plaintiffs	Summary Judgment Motion, Exhibit 26, 26A, 27, 28	Yes / No
Plaintiffs_00104130, Plaintiffs_00112675, Plaintiffs_00148396, Plaintiffs_00148541, and Plaintiffs_00200764	Plaintiffs	Summary Judgment Motion, Exhibit 29	Yes / No
Plaintiffs_00113142	Plaintiffs	Summary Judgment Motion, Exhibit 30	Yes / No

Plaintiffs_00175863	Plaintiffs	Summary Judgment Motion, Exhibit 31	Yes / No
Plaintiffs_00137124	Plaintiffs	Summary Judgment Motion, Exhibit 32	Yes / No
Plaintiffs_00286431	Plaintiffs	Summary Judgment Motion, Exhibit 39 Frederiksen-Cross Motion Declaration, Exhibit A, B	Yes / No
The deposition transcript of Steven Marks	RIAA	Summary Judgment Motion, Exhibit 4	Yes / No
RIAA_00000003	RIAA	Summary Judgment Motion, Exhibit 22	Yes / No
RIAA_00000017	RIAA	Summary Judgment Motion, Exhibit 23	Yes / No
RIAA_00000030	RIAA	Summary Judgment Motion, Exhibit 24A	Yes / No
RIAA_00000045	RIAA	Summary Judgment Motion, Exhibit 24B	Yes / No
RIAA_00127769	RIAA	Summary Judgment Motion, Exhibit 25; McCabe Motion Declaration, Exhibit F	Yes / No

ENTERED this \_\_\_\_ day of September 2019.

Alexandria, Virginia

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Judge for the Eastern District of Virginia